

23-3-305. Hunting from highway; entering **or traveling through** enclosed private property without permission; penalty; hunting at night without permission prohibited.

2 (b) No person shall enter upon **or travel through** the
3 private property of any person to hunt, fish, collect
4 antlers or horns, or trap without the permission of the
5 owner or person in charge of the property. Violation of
6 this subsection constitutes a low misdemeanor punishable as
7 provided in W.S. 23-6-202(a)(v). **For purposes of this**
8 **subsection "travel through" requires physically touching or**
9 **driving on the surface of the private property.**

The proposed changes will close a loophole in Title 23 Game and Fish trespass laws and will allow Game Wardens to enforce what most people and landowners view as trespassing to hunt. I would suggest that on Line 3 add the term “take wildlife” before the term hunt, both terms are defined at WS 23-1-102 (a) (vii) and WS 23-1-101 (a) (xiii). The current wording actually limits the statute.

Here are the issues that I see with the hunting statute:

1. **On Line 3 add the term “take wildlife” both of which are defined at WS 23-1-102 (a) (vii) and WS 23-1-101 (a) (xiii).** The current wording actually limits the statute. Even if the legislature does not add the proposed changes this addition would be helpful.
2. Their needs to be a definition of the term “hunt” in the game and fish code to include possessing a firearm or bow or crossbow, having purchased a hunting permit or license, or wearing hunter orange, etc. Even if the legislature does not add the proposed changes this addition would be helpful.
3. The staff comments about “or return across” are good additions and avoid the argument if they were going to or from “taking wildlife,” hunting etc.
4. Delete the term “enclosed” from the heading and as used in subsection (c). It is not defined anywhere and if this is a strict liability statute what difference does it make if its “fenced or not fenced” Its only used in subsection (c).
5. The statute does not prohibit corner crossing.
6. An issue that comes up around here is trespassing to recover game animals that one has shot. The way it is now if that happens if you don’t get landowner permission its trespassing. This is probably the best way to protect landowners, otherwise how would you ever prove that was not the case—making the trespass statute unenforceable.